

REMARKS

Claims 1-6 are pending. Claims 1-6 are amended. Applicants reserve the right to pursue the original and other claims in this and any other application.

Applicants thank the Examiner for his several teleconferences with Applicants' representatives regarding the finality of the May 14, 2007 office action. The Examiner ultimately sustained the finality of the office action, arguing that removing "of a predetermined part" from the "detection means" limitation of claim 1 narrowed the scope of claim 1 to mean that an "entire person," rather than only a predetermined part of the person, must be photographed to meet the limitations of the claim. Therefore, according to the Examiner, the scope of the claim narrowed, necessitating a new search. Applicants respectfully disagree with the Examiner's interpretation of claim 1 as being unsupported by the plain language of the claim and the specification.

The word "entire" does not appear anywhere in claim 1 or any other claim. Moreover, FIGs. 2A-2E, which illustrate a series of photographs taken in accordance with an embodiment of the claimed invention, depict only a part of a person, not the entire person. By removing "of a predetermined part" from the "detection means" limitation of claim 1, Applicants in fact broadened the scope of claim 1 by eliminating the requirement that the part of the person to be photographed be predetermined. A broadening amendment to a claim cannot necessitate a new search when the claim already stands rejected over prior art. As stated in the Office Action at page 2, the prior rejection over Konen in view of Kinjo was withdrawn not because of a narrowing

amendment by Applicants but rather because the Examiner agreed with Applicants' argument that Konen "only determines intrinsic movements" and not "a position of the person," as recited by claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the finality of the May 14, 2007 office action and enter this amendment as if in response to a non-final office action.

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hsieh et al. (U.S. Patent No. 7,003,135) ("Hsieh") in view of Rui et al. (U.S. Patent No. 7,130,446) ("Rui"). The rejection is respectfully traversed.

The Office Action concludes, "Hsieh does not disclose the verification rule as taught in claim 1...." Applicants are unsure to what "verification rule" the Office Action refers. Neither the term "verification rule" nor the verb "verify" appears in any of the claims. Moreover, Applicants note that the Office Action substantially misquotes the limitations of claim 1 on page 3 by, among other things, injecting these terms into the claim.

In any event, Applicants agree with the Office Action in that Hsieh does not teach or suggest all the limitations of claim 1. Applicants disagree, however, that Hsieh in combination with Rui teaches every limitation of the claim.

Claim 1 recites a dishonest registration prevention apparatus. The apparatus comprises, "calculation means for calculating a variation between a position of the person at a current time and a position of the person at a previous time, ... similarity calculation means for determining a degree of similarity of face feature quantities

extracted from an image of the person taken at a current time with face feature quantities extracted from an image of the person taken at a previous time, [and] determination means for comparing the variation calculated by the calculation means with a first predetermined threshold and comparing the degree of similarity to a second predetermined threshold....”

By contrast, Hsieh discloses a system for tracking multiple faces based on movement of the faces. Hsieh determines whether a face is a new face by comparing the current position of the face with a previous face position. If face has not moved too much, Hsieh determines the face is an old face. Otherwise, Hsieh determines the face is a new face. (Column 5, Line 59 to Column 6, Line 4) Thus, Hsieh fails to teach or suggest at least “similarity calculation means for determining a degree of similarity of face feature quantities extracted from an image of the person taken at a current time with face feature quantities extracted from an image of the person taken at a previous time, [and] determination means for ... comparing the degree of similarity to a second predetermined threshold,” as claimed by Applicants.

Rui does not cure the failing of Hsieh. Rather, Rui teaches using a “hierarchical verification module ... to verify whether a human face is in the candidate area(s)....” (Column 1, Lines 63-65) Determining whether a face is in an area of an image is not the same as “determining a degree of similarity of face feature quantities extracted from an image of the person taken at a current time with face feature quantities extracted from an image of the person taken at a previous time,” as claimed

by Applicants. Therefore, the rejection of claim 1 should be withdrawn and the claim allowed.

Claim 2 depends from claim 1 and is allowable along with claim 1 for at least the reasons stated above with respect to claim 1 and on its own merits. Therefore, the rejection of claim 2 should be withdrawn and the claim allowed.

Claim 3 recites similar limitations as claim 1 and is allowable over Hsieh and Rui for at least the reasons stated above with respect to claim 1 and on its own merits. Therefore, the rejection of claim 3 should be withdrawn and the claim allowed.

Claim 4 depends from claim 3 and is allowable along with claim 3 for at least the reasons stated above with respect to claim 3 and on its own merits. Therefore, the rejection of claim 4 should be withdrawn and the claim allowed.

Claim 5 recites similar limitations as claims 1 and 3 and is allowable over Hsieh and Rui for at least the reasons stated above with respect to claim 1 and 3 and on its own merits. Therefore, the rejection of claim 5 should be withdrawn and the claim allowed.

Claim 6 depends from claim 5 and is allowable along with claim 5 for at least the reasons stated above with respect to claim 5 and on its own merits. Therefore, the rejection of claim 6 should be withdrawn and the claim allowed.

In view of the above, Applicant believes the pending application is in condition for allowance and respectfully requests that it be passed to issue.

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Respectfully submitted,

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